

On violation of rights of religious organizations of the Ukrainian Orthodox Church in Western
Ukraine

Dear ladies and gentlemen,

I would like to draw your attention to the grave problem of rights' violation of the UOC (Ukrainian Orthodox Church) communities in Western Ukraine. The subject matter of today's session is minorities' rights. Despite the fact the Ukrainian Orthodox Church is the biggest Orthodox denomination in Ukraine, the issue in question is directly related to this session's topic. In fact, according to Ljubljana Recommendations included in the session's agenda, rights of the religion-based groups, in particular, the right to worship is also subject to defense. The Ukrainian Orthodox Church uses the Church Slavic language in its worship practice that constitutes an ancient-long cultural and historic tradition. The right of the faithful to pray in the Church Slavic language is provided for by the international law, which forbids any kind of discrimination, especially if it has to do with internal religious customs. However, over the period of 2014-2015 religious organizations of the Ukrainian Orthodox Church have been persecuted in an unprecedented way ever. Churches of this denomination are seized or set on fire, or ransacked, while the clergymen and the faithful are oppressed, in particular, by the state authorities. One of the requirements posed by the initiators of illegal seizures is to refuse from the Church Slavic language and adopt the Ukrainian language in this regard. People who decline this requirement turn into the minority and suffer various kinds of violence and pressure.

Another factor stipulating pressure and discrimination of the Ukrainian Orthodox Church in Western Ukraine is its canonic link with the Russian Orthodox Church. It's a well-known fact, the Ecumenical Orthodoxy is built on the principle of mutual recognition of denominations of separate countries by other Orthodox Patriarchs (and other jurisdictions) providing the denominations in question are canonical. Therefore, the affiliation of the UOC to the Russian Orthodox Church of the Moscow Patriarchate is implemented through the recognition of its status with wide-range independence and sovereignty rights that was affirmed by the Tomos of His Holiness Patriarch Kirill.

Nevertheless, in spite of an obvious character of full independence of the Ukrainian Orthodox Church in institutional, administrative and financial respects that does not need reaffirming by the Russian Orthodox Church, the idea of creating a KP-based local church has been widely propagated in Ukraine. KP – Kiev Patriarchate – is not recognized as a canonical denomination by any Orthodox Patriarchs and organizations that belong to the canonical Orthodoxy.

Such state of affairs is a religious worship practice of Orthodox denominations which are entitled to observe it without any restrictions whatever. This right is enshrined both in the international law and internal legislation of Ukraine.

Owing to the above said, the growing incidence of illegal seizures of the UOC sanctuaries undertaken by the KP adherents who are lobbied by both radical organizations and state authorities, raises serious concerns. So far about 40 churches of the Ukrainian Orthodox Church have been taken over or there is an ongoing conflict around them. These church buildings are either illegally seized and used by the Kiev Patriarchate, or they are sealed by the state authorities that deprives the UOC congregation of the possibility to have church services. Upon that, the UOC communities which fall prey to these unlawful actions in many cases are not only historic

successors but also owners of the land and real estate property being taken over. There is an impression that state bodies intentionally turn a blind eye to illegal seizures of the UOC churches imposing certain pressure on this denomination with a view to implementing the local church project in Ukraine based on the apocryphal denomination of the Kiev Patriarchate.

Let me draw the attention of, first and foremost, Astrid Thors, the OSCE High Commissioner on National Minorities to the necessity of immediate intervention into the situation in Western Ukraine in order to prevent the confrontation from running. The clash is quite deep, embraces a big territory and keeps getting a large amount of the population involved in the conflict; the people who stay on opposite sides of the trench have repeatedly blocked highway traffic and sparked open confrontations. One has a narrow escape from tragic consequences resulting from each “tug-of-war”. By our observation, state authorities fail to take enough efforts to ensure efficient protection of the law and order, that’s why grassroots are made to ensure their own security that might lead to unpredictable implications.

With a view to regulating the situation, the OSCE representatives were invited to Ukraine and were acting in Ternopol and Rovno regions. In particular, **Mr. Mark Kirschbaum and Maurizio Mantipo** – responsible mission collaborators – personally met with the witnesses, victims, the injured, persons in dispute from both sides: the Ukrainian Orthodox Church and that of the Kiev Patriarchate. With their direct involvement there were organized round tables, inter alia, with participation of state power bodies for the sake of conflict prevention. Such dialogue was sustained at the regional level – meetings were held at the level of regional and district state administrations as well as by means of negotiations of the OSCE representatives with each party to the conflict. Thus, the OSCE is fully aware of the conflict in question and we’d recommend in this context to take an immediate action to halt the probable escalation of the dispute, to prevent a tragic scenario. As you might know, the unit of the Ministry of Internal Affairs, the “Ternopol” battalion, used force in an unlawful and ungrounded way towards the civilians – the faithful of the Ukrainian Orthodox Church who’d arrived at the church having been in their ownership since 1946 by virtue of the written agreement which is in effect according to the judicial case law. However, despite negotiations with the OSCE participation, the state bodies transferred this church into common use by the UOC and KP denominations leaving the parish of Katerinovka village religious community perplexed. Instead of reasonable response and resolving the dispute in legal terms, the adherents of the Kiev Patriarchate broke the church door open and arbitrarily, without any relevant court decision, occupied the church building while the “Ternopol” battalion merely assaulted and battered the UOC parish who’d been trying to make the situation clear. Over 13 persons were inflicted injuries, including grievous bodily harm – broken arms, wounded heads. This evidence was also examined directly by the OSCE representatives.

I’d like to underscore for all attendees that conflicts in Western Ukraine are being heated up that could lead to destabilization of the whole region in Western Ukraine. It’s necessary to take urgent actions for preventing another flash seat of religious clashes on the nearest-neighbor borders with the EU.

In the circumstances concerned, one cannot say the OSCE has not been informed about grave violations of the faithful people’s rights of the Ukrainian Orthodox Church. Therefore, we strongly encourage to:

1. Pay immediate attention to the incidence of illegal seizure of churches, assault and battery of the UOC faithful in Western Ukraine and call Ukraine to fulfill its commitments and obligations on ensuring human rights in the country.

2. Send to Ukraine an on-site representative of the OSCE High Commissioner on National Minorities to study the situation and elaborate prevention methods for similar conflicts jointly with the state power bodies.

3. Set up an ad hoc Commission within the OSCE or any other designated structure to ensure direct response to the probable conflict escalation in Western Ukraine.

Supplementary materials to the address (eyewitness accounts, video records, a human rights defense report) are available on the web-site www.religua.info.

With best wishes,

Oleg Denisov
Representative of Ternopol and Kremenets diocese,
Rovno diocese of the Ukrainian Orthodox Church,
President of NGO "Public Advocacy"